

STAT

STAT

9 February 1977

STAT

MEMORANDUM FOR: Deputy Director of Security (P&M)
FROM : [redacted]
Chief, Policy and Plans Group
SUBJECT : Executive Order 11652 Requirement
to Report Unauthorized Disclosures
to ICRC

1. [redacted] Assistant for Information, DDA, called a meeting in his office on 8 February 1977 to discuss the Executive Order 11652 requirement to report regularly to the Interagency Classification Review Committee (ICRC) on unauthorized disclosures. The meeting was attended by [redacted] Special Assistant for Classification, AI, [redacted] Office of General Counsel, and myself.

2. The purpose of the get together was to discuss our noncompliance with the cited requirement in view of the impending inspection by ICRC later this week. [redacted] indicated his desire to discuss this noncompliance with the ICRC representatives and at the same time to formalize some type of agreement between the Agency and ICRC on this topic.

3. To date the Agency has not reported any unauthorized disclosures to the ICRC on security grounds, although it is difficult to particularize this basis of noncompliance, since reports may be submitted on a classified basis. It must also be noted, however, that reports submitted to ICRC on unauthorized disclosures are in turn given to one or more Congressional committees for review.

STAT

OS 7 0557

Administrative - Internal Use Only

4. The urgency of the immediate situation is predicated on an ICRC request that the Agency's report covering the final quarter of calendar year 1976 include some information at least on the Edwin Moore case. Further, during the past week OGC had suggested to [] that the Agency selectively report to ICRC on unauthorized disclosures.

STAT

5. [] cited some disadvantages to such selective reporting, which I seconded. The most serious disadvantage would be creation of a false impression of the extent to which unauthorized disclosures occur. For example, if in the current reporting period we mentioned only the Moore case, a Congressman might later respond to our general complaints about the unauthorized disclosure problem by stating that he had reviewed our report to ICRC and only one disclosure had occurred. Discussion at the instant meeting resulted in agreement that selective reporting was not the option to follow.

STAT

6. At [] request I then outlined the Office of Security's reasons and desire to avoid submitting reports of any unauthorized disclosures to ICRC, emphasizing that most of them involve sensitive compartmented information and some of them are associated with cases, knowledge of which must be severely restricted.

STAT

7. A compromise proposal discussed was the possibility of the Agency preparing reports on all unauthorized disclosures within the purview of CIA in the format dictated by ICRC, but retaining these reports in a central location at the Agency (either in the Office of Security or under the cognizance of the Assistant for Information). The compromise proposal would not involve any submission of these reports to ICRC, but would permit henceforth on a semi-annual basis a statistical summary of unauthorized disclosures associated with the Agency.

8. The Office of Security was asked to review this compromise proposal and advise whether it would be acceptable to it. Its acceptability should be reported to the Assistant for Information not later than 10 February, so that it may be discussed with the ICRC representative on 11 February.

ADMINISTRATIVE - INTERNAL USE ONLY

Administrative - Internal Use Only

STAT

9. It is felt that the proposal is a reasonable compromise and, if we can sell it to the ICRC, we are ahead of the game. Not only do we maintain the classified aspects of unauthorized disclosures under Agency control and preclude their details getting excessive dissemination, but we positively notify ICRC and in turn the Congress on a regular basis of how big a problem such disclosures are. As a possible by-product, preparation of the ICRC formatted report on each unauthorized disclosure may obviate the necessity for continued maintenance of the Leak Data Base or may serve as the basic input to this data base in the future.

APPROVAL:

Deputy Director of Security (P&M)

9 Feb. 77
Date

STAT

Administrative - Internal Use Only

(IMPORTANT - Read instructions on reverse before completing this form)

OMB NO. 3090-0049

AGENCY INFORMATION SECURITY PROGRAM DATA				1. PERIOD COVERED			INTERAGENCY REPORT CONTROL NUMBER 0230-GSA-AN					
				A. FROM		B. TO						
2. DEPARTMENT, INDEPENDENT AGENCY OR ESTABLISHMENT				3. CONTACT FOR ADDITIONAL INFORMATION (Name, office and telephone no.)								
4. SENIOR OFFICIAL (Section 5.3, E.O. 12356)												
5. NUMBER OF ORIGINAL CLASSIFICATION AUTHORITIES												
A. TOP SECRET		B. SECRET		C. CONFIDENTIAL			D. TOTAL					
6. ADDITIONAL DECLASSIFICATION AUTHORITIES												
A. TOP SECRET		B. SECRET		C. CONFIDENTIAL			D. TOTAL					
7. CLASSIFICATION DECISIONS		ORIGINAL						DERIVATIVE				
		DATE OR EVENT (a)			ORIGINATING AGENCY'S DETERMINATION REQUIRED (O.A.D.R.) (b)							
A. TOP SECRET												
B. SECRET												
C. CONFIDENTIAL												
8. MANDATORY REVIEW REQUESTS AND APPEALS												
CASES FOR WHICH AGENCY IS RESPONSIBLE FOR FINAL DECISION												
8. MANDATORY REVIEW REQUESTS AND APPEALS	CASES CARRIED OVER FROM PREVIOUS PERIOD (a)	NEW CASES RECEIVED (b)	DECLASSIFICATION DECISIONS (Report in cases, documents, and pages)									CASES CARRIED OVER TO NEXT PERIOD (f)
			GRANTED IN FULL (c)			GRANTED IN PART (d)			DENIED (e)			
			CASES	DOCS.	PAGES	CASES	DOCS.	PAGES	CASES	DOCS.	PAGES	
A. REQUESTS												
B. APPEALS												
9. SYSTEMATIC REVIEW FOR DECLASSIFICATION (In pages)										10. NUMBER OF FORMAL INSPECTIONS, SURVEYS, OR PROGRAM REVIEWS		
A. REVIEWED					B. DECLASSIFIED							
11. NUMBER OF INFRACTIONS INVOLVING:												
A. OVERCLASSIFICATION			B. UNDERCLASSIFICATION			C. CLASSIFICATION WITHOUT AUTHORITY			D. MISMARKING			
E. IMPROPER DESTRUCTION		F. UNAUTHORIZED ACCESS		G. IMPROPER STORAGE		H. IMPROPER REPRODUCTION		I. IMPROPER TRANSMISSION		J. OTHER (Elaborate under Item 12)		
12. REMARKS												

INSTRUCTIONS

I. GENERAL

This reporting requirement applies to each department, independent agency or establishment in the executive branch that creates, handles, and/or stores national security information. The reporting period is on a fiscal year basis, except for the reporting period of August 1, 1982 through September 30, 1983. Submissions must be unclassified and typewritten, and reach ISOO no later than October 31 following the reporting period. Consolidate the submissions of component activities into a single report. Agencies, however, shall retain the input from component activities for possible ISOO review.

II. SPECIFIC

Item 5. Enter the number of "Top Secret," "Secret," and "Confidential," original classifiers. Enter only the highest level authorized; i.e., enter the number of individuals with "Top Secret" authority in boxes A and D, only; "Secret" authorities in boxes B and D, only; and, "Confidential" authorities in boxes C and D, only.

Item 6. See instructions provided for completing Item 5, above. This entry seeks the number of additional declassification authorities, excluding those original classifiers listed in Item 5.

Item 7. Enter the actual number of original classification decisions made during the reporting period, breaking these down by the classification level and the type of declassification instruction assigned. Enter the actual count of derivative classification decisions by classification level. Do not count reproductions or copies as classification decisions. Agencies that generate a high volume of classification decisions may request, in writing, authorization from the ISOO Director to use sampling methods in lieu of an actual count. Sampling methods already approved may continue in effect until revised.

Item 8. Enter the number of mandatory review requests and appeals carried over from the previous reporting period, new ones received, actions taken on them, and the number of requests carried over to the next reporting period. For purposes of this report: "Case" means an individual mandatory review request or appeal, regardless of the number of requesters cited in the request or the number of documents or pages to be reviewed as a result of the request; "document" means recorded information, regardless of physical format, that has been created or reproduced as an integrated and complete unit; and, "page" means one side or face of recorded information.

Item 9. Enter in box A the number of pages in the agency's custody systematically reviewed for declassification and in box B the number of pages declassified as a result of the review.

Item 10. For purposes of this report, an "inspection, survey, or program review" means any formal, internal evaluation of any aspect of the agency's information security program.

Item 11. An infraction is any error and/or impropriety in marking, destroying, handling, reproducing, transmitting, gaining or granting access to or storing classified information. Enter in the appropriate box the number of infractions revealed or detected during the reporting period. Do not include those violations that must be reported to the ISOO Director under section 5.4(b) of the Order.